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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 JUAN CARLOS GARCIA,)

6 Plaintiff,)

7 vs.)

8 GEORGE ASSAD,)

9 Defendant.)
10 _____)

2:09-cv-00080-RCJ-GWF

ORDER

11 Before the Court for consideration is the Findings and Recommendations (#3) of
12 Magistrate Judge George W. Foley, entered February 20, 2009, and the Findings and
13 Recommendations (#6) of Magistrate Judge George W. Foley, entered April 9, 2009.

14 The Court has conducted a review of the record in this case and determines that
15 the Findings and Recommendations (#3, #6) of the United States Magistrate Judge
16 entered February 23, 2009, should be affirmed. As such,

17 IT IS HEREBY ORDERED that Magistrate Judge Foley's Finding and
18 Recommendations (#3, #6) be affirmed and adopted and that this action should be
19 **DISMISSED WITH PREJUDICE** based upon 1) Plaintiff's failure to submit a
20 completed application and affidavit in support of a request to proceed *in forma pauperis*;
21 and based upon the extent that 2) Plaintiff's Motion for an Evidentiary Hearing (#4) and
22 Letter to the Court (#5) were intended to serve as a Complaint.

23 DATED: July 2, 2009

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25 UNITED STATES DISTRICT COURT